

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

## KOCH FOODS' EXHIBIT LIST

Plaintiff and Counterclaim-Defendant, Koch Foods of Alabama, LLC (“Koch”), through its undersigned counsel, pursuant to this Court’s Uniform Scheduling Order dated July 17, 2007, submits the following list of Exhibits, in addition to the joint exhibits listed in the Order on Pretrial Hearing dated February 20, 2008 (Doc. No. 82), that Koch will use at trial:

- |            |  |
|------------|--|
| Exhibit 1. | Financing Proposal from GE Commercial Equipment Financing to Sylvest Farms Inc., dated December 1, 2005. [GE 0443-0449]  |
| Exhibit 2. | Financial Statement from GE regarding Sylvest Farms, dated December 14, 2005. [GE 0428-0430]   |
| Exhibit 3. | Diligenz report regarding UCC Financing Statements for Sylvest Farms, Inc., dated December 14, 2005. [GE 0376-0384]  |
| Exhibit 4. | Email from Jonathan Reich, of Michael Fox International, Inc., to William Wilson, of GE Commercial Equipment Financing, dated May 5, 2006, regarding Sylvest Farms, Inc. filing Chapter 11. [GE 0288-0289] |
| Exhibit 5. | Email, with attachment, from Robert Breakstone, of Equipment Exchange Company of America, Inc., to William Wilson, of GE Commercial Equipment Financing, dated May 19, 2006. [GE 0279-0283]                |

- Exhibit 6. Emails between Alexander Terras and Eugene Geekie dated June 1, 2006. [GE 0186-0191]
- Exhibit 7. Emails between William Wilson and Joe DiSalvo dated October 30, 2006. [GE 0206]
- Exhibit 8. Email, with attachment, from Robert Breakstone, of Equipment Exchange Company of America, Inc., to William Wilson, of GE Commercial Equipment Financing, dated June 1, 2006. [GE 0174-0179]
- Exhibit 9. Email, with attached proposal, regarding Spiral Freezing System, from Michael Leonard, of MTL Services, to William Perry, of GE Commercial Equipment Financing, dated July 17, 2006. [GE 0370-0375]
- Exhibit 10. Financing Proposal (regarding Lease) from GE Commercial Equipment Financing to Peco Foods, Inc., dated August 21, 2006. [GE 0348-0354]
- Exhibit 11. Email from Tommy Elliott, of Peco Foods to William Perry, of GE Commercial Equipment Financing, dated August 30, 2006, together with related emails and documents. [GE 0567-0568]
- Exhibit 12. Equipment Purchase Invoice and Bill of Sale for Spiral Freezer, by GE Commercial Equipment Financing, as seller, to Michael Leonard, Inc., as Buyer, dated May 11, 2007. [Not Bate Stamped.]
- Exhibit 13. Recommendation, dated December 21, 2007, from GE Commercial Equipment Financing Collection Department regarding collection of money for new equipment leased to Sylvest Farms, Inc. [GE 722-725, plus one page between 724 and 725 that is not Bate stamped.]
- Exhibit 14. Kaminsky Letter to DiSalvo dated January 21, 2008. [Koch 3768]
- Exhibit 15. GE Capital's Rule 26 Disclosures. [Not Bate stamped.]
- Exhibit 16. Defendant's responses to Plaintiff's first set of Interrogatories, Requests for Production of Documents, and Requests for Admission. [Not Bate stamped.]
- Exhibit 17. Appraisal report of David Dalfonso October 2007. [Not Bate stamped.]
- Exhibit 18. Ann Pille Letter to Geekie Geekie dated October 30, 2007. [Not Bate stamped.]

- Exhibit 19. Defendant's responses to Plaintiff's second set of Interrogatories, Requests for Production of Documents, and Requests for Admission. [Not Bate stamped.]
- Exhibit 20. Defendant's responses to Plaintiff's third set of Interrogatories, Requests for Production of Documents, and Requests for Admission. [Not Bate stamped.]
- Exhibit 21. Harris Letter to Xu dated December 10, 2007. [Not Bate stamped.]
- Exhibit 22. Harris Letter to Xu dated December 13, 2007. [Not Bate stamped.]

In addition to the above listed exhibits, Koch may use any other exhibits necessary for impeachment or rebuttal. Koch reserves the right to amend this Exhibit List in the interest of justice and for good cause shown to the Court.

Dated: March 5, 2007

Respectfully submitted,

/s/ Zhiyuan Xu  
Zhiyuan Xu

Thomas G. Mancuso  
Constance C. Walker  
Haskell Slaughter Young & Gallion, LLC  
305 South Lawrence Street  
Montgomery, Alabama 36104  
Telephone: 334-265-8573  
Facsimile: 334-264-7945  
Email: [tgm@hsy.com](mailto:tgm@hsy.com)

Eugene J. Geekie, Jr.  
Jonathan P. Friedland  
Zhiyuan "Mike" Xu  
Schiff Hardin LLP  
6600 Sears Tower  
Chicago, Illinois 60606  
(312) 258-5500  
(312) 258-5600 (Fax)  
[egeekie@schiffhardin.com](mailto:egeekie@schiffhardin.com)

Counsel for Koch Foods of Alabama, LLC

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that copies of the forgoing were caused to be served upon counsel of record addressed as follows by the ECF system on this 5th day March, 2008.

Alexander Terras  
Timothy Scott Harris  
Reed Smith Sachnoff & Weaver  
10 South Wacker Drive  
Chicago, IL 60606  
312-207-1000  
Fax: 312-207-6400  
[tharris@reedsmith.com](mailto:tharris@reedsmith.com)  
[aterras@reedsmith.com](mailto:aterras@reedsmith.com)

Rusha Christina Smith  
Bradley Arant Rose & White LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2104  
205-521-8010  
Fax: 205-488-6010  
Email: [rsmith@bradleyarant.com](mailto:rsmith@bradleyarant.com)

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/s/ Zhiyuan Xu  
Zhiyuan Xu